IN THE HIGH COURT OF JUDICATURE AT BOBBY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 7922 OF 2006

Shriram N. Kulkarni & Anr. Petitioners

Vs.

The State of Maharashtra & Ors. Respondents

Mr. M. S. Karnik, Advocate for Petitioners.

Mr. P. I. Khemani, AGP for Respondent Nos. 1 & 3.

Mr. A. V. Bukhari with Mr. B.V. Bukhari, Advocates for Respondent No.2.

CORAM: F.I. REBELLO,
AND
R. V. MORE, JJ.

DATE : JANUARY 10, 2007.

P.C.

. On behalf of Respondent no.2, the learned counsel has taken preliminary objection that the petition as filed is not maintainable as respondent no.2, is not State within the meaning of Article 12 of the Constitution of India, nor petitioner has come on the ground that action of respondent no.2 is contrary to any statutory duty cast on the respondent.

2. We have heard the learned counsel for the petitioner. Petitioner is in employment of respondent no.2 a Cooperative bank within the meaning of the provisions of the Maharashtra Cooperative Societies Act. It is not a State within the meaning of Article 12 of the Constitution of India. In the instant case, petitioner challanged the action of respondent no.2 in terminating his services. There are no statutory conditions of service. The grievance of the petitioner is that if the petition is not considered, petitioner has no recourse for the relief of reinstatement before the Civil Court.

2. The law is well settled that in case of ordinary relationship of master and servant there can be no relief of reinstatement. It is only the category of workman and employor covered by provisions of Industrial Disputes Act, Employees of statutory corporations governed by statutory conditions of service and government employee protected by the Constitution of India, who alone are entitled to the relief of reinstatement . In the instant case, as the respondent no.2 is not a statutory body, nor a Body under the control of

Government of India or any other government or local body, the petition as filed is not maintainable.

3. It would be open for the petitioner to take proper steps before any competent forum including the Civil Court for the relief, which petitioner may be entitled to. With the above observation, petition stands disposed of with no order as to costs.

[**R.V. MORE,J.]** [**F. I. REBELLO, J.]**